

# NEWS RELEASE

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*For Immediate Release*

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## **SENTENCING IN MINE SAFETY CASE**

Randy G. Massey, Acting United States Attorney for the Southern District of Illinois, announced today that on September 28, 2006, **LESTER ROBERT ERB, III**, age 29, formerly of Harrisburg, IL, was sentenced in the United States District Court in Benton, Illinois. ERB was sentenced to 3 months imprisonment, was fined \$500, and was placed on 2 years supervised release.

ERB, III, had previously been convicted by a jury on two counts charging him with making material false statements and representations to employees of the Mine Safety and Health Administration.

This case arises out the April 9, 2003, death of coal miner Adam Scott and the subsequent investigation into the cause of his death. According to evidence presented at trial, Mr. Scott was buried under 15 tons of coal after his poorly maintained, company-owned dump truck's brakes failed and the truck rolled over. Mr. Scott was thrown from the vehicle which did not have seat belts. He was pinned under the truck and the load of coal fell on top of him. A subsequent investigation by the Mine Safety and Health Administration discovered numerous mechanical and other problems with the truck including, among other things: a significant leak in the service brake air line; black electrical tape had been applied to cover a hole in the brake air line; neither the parking brake nor the service brake would hold the truck on the ramp where it was being operated; the truck floor board had deteriorated to the extent that the brake pedal was not securely fastened to the floor board; there were no seat belts in the truck; the truck was difficult to steer and to shift; and the locking mechanism on the driver's door was missing so the door would not stay closed.

On April 11, April 17, and April 18, 2003, hearings were held by Mine Safety and Health Administration (“MSHA”) officials to help determine the cause of the accident which resulted in Adam Scott’s death. During those hearings, ERB III, made false statements to the MSHA investigators and specialists regarding material matters under their investigation, including the condition of the blue truck.

The investigation in this case was conducted by the Mine Safety and Health Administration and the Illinois Department of Natural Resources, Office of Mines and Minerals.

The case is being handled by Assistant United States Attorneys George Norwood and Jim Cutchin.